REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. The applicant has added the feature of claim 21 into independent claim 16. No new matter has been added. The applicant believes that the amendment does not raise any new issues or require any further search. The Examiner has already searched the features of claim 21.

Claims 2-13 and 15-21 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 2-5, 8-11, 13 and 16-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,165,599 (Demeuse) in view of U.S. Patent No. 4,786,533 (Crass et al.). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse in view of Crass et al. and further in view of U.S. Patent No. 5,482,780 (Wilkie et al.). Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatenable over Demeuse in view of Crass et al. and further in view of U.S. Patent No. 5,436,041 (Murschall et al.). Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse in view of Crass et al. and further, in view of U.S. Patent No. 6,033.786 (Fatica et al.), U.S. Patent No. 4,572,854 (Dallmann et al.) and Murschall et al. Claims 2-6, 8, 11, 13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass et al. in view of Dallmann et al and in view of Demeuse. Claims 7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass et al. in view of Demeuse and Dallmann and further in view of Wilkie et al. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass et al. in view of Demeuse and Dallmann and further in view of Murschall et al. Claims 2-11, 13 and 16 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Wilkie et al. in view of Crass et al. Claims 12 and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkie et al. in view of Crass et al. and further in view of Murschall et al. (U.S. Patent No. 5,436,041). The applicant respectfully traverses these rejections.

35 U.S.C. 112 Rejection

Claims 2-13 and 15-21 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The applicant believes that the claims are in compliance with 35 U.S.C. 112. Support can be found in paragraph nos. [0033] and [0034] and example 1 of the published application.

Prior Art Rejections (Except For The Rejection Of Claim 21)

Claims 2-5, 8-11, 13 and 16-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,165,599 (Demeuse) in view of U.S. Patent No. 4,786,533 (Crass et al.). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse in view of Crass et al. and further in view of U.S. Patent No. 5,482,780 (Wilkie et al.). Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatenable over Demeuse in view of Crass et al. and further in view of U.S. Patent No. 5,436,041 (Murschall et al.). Claims 2-6, 8, 11, 13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass et al. in view of Dallmann et al and in view of Demeuse. Claims 7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass et al. in view of Demeuse and Dallmann and further in view of Wilkie et al. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Crass et al. in view of Demeuse and Dallmann and further in view of Murschall et al. Claims 2-11, 13 and 16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkie et al. in view of Crass et al. Claims 12 and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkie et al. in view of Crass et al. and further in view of Murschall.

In order to expedite prosecution, the applicant has added the feature of claim 21 into independent claim 16. Since claim 21 was not rejected by these references, these rejections should be withdrawn.

Rejection of Claim 21

Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse in view of Crass et al. and further, in view of Fatica, Dallmann and Murschall. The Examiner stated in paragraph no. 58 of the final office action,

> Regarding claim 21, Demeuse wherein a release layer is applied to the surface diametrically opposite the first cover layer as the outer layer (col. 4, lines 58-61 and col. 5, lines 16-18), whose surface is deemed to have a low adhesion in relation to cold sealing coatings since it is of a releasing nature.

The applicant claimed invention is to a film of a very specific technical packaging film area, namely cold seal adhesive films.

The Examiner argues mainly that it is obvious to apply a cold seal layer onto the surface of a top layer of a multilayer film including a base layer and a top layer. The applicant acknowledges that some of the references describe to apply a cold seal layer onto the surface of a

top layer, however, a lot of references only disclose generically different top layers, especially heat sealable top layers as an alternative to cold seal layers.

The non obviousness of applicant's invention is not based on the fact that the cold seal layer is applied on the surface of a top layer. It is rather (as so very often) a combination of features which ensure an unexpected result.

It was not obvious that the cold seal layer adheres better to a top layer if the base layer underneath the top layer is modified. This raises the question, why does the cold seal adhesive adhere differently though it is not in contact with the base layer? Of course this unexpected effect only exists if the cold seal layer is applied on the top layer. Therefore it is important that the cold seal layer is applied to a top layer. Otherwise the cold seal would be in direct contact with the hard resin modified layer. In such case it could have been expected that the hard resin in the base layer affects the cold seal adhesive in some way as it is in direct contact with such hard resin in such a structure. The applicant does not believe that a person of ordinary skill in the art would be able to derive from the prior art whether the cold seal adhesive might adhere better in such an embodiment or whether a direct contact of the cold seal adhesive with a hard resin containing layer might have a bad influence on the cold seal properties. The prior art does not teach anything about how a hard resin might influence the properties of a cold seal adhesive. It cannot even be derived from the prior art whether the hard resin affects the cold seal at all, let alone whether such effect might be good or bad.

The applicant believes that the correct approach for evaluating the non-obviousness in this case should start with a prior art indeed dealing with films having a cold seal layer and a

prior art teaching about cold seal adhesive properties. This invention is about improving the cold seal properties. Some prior art mentions the cold seal layer just as an optional alternative to heat seal layers. These teachings do not teach about any specific properties of the cold seal properties or how improve those. The simple mentioning of cold seal layers instead of heat seal layers is an almost accidental disclosures which does not represent correct prior art about cold seal films.

None of the references disclose to modify the substrate film with a hard resin in order to improve the adhesive properties of the cold seal adhesive. There is no disclosure about any technical relationship between a cold seal adhesive and a hard resin. By no means it can be derived from any piece of prior art that a hard resin could affect the cold seal layer. It certainly could not be expected that a hard resin in the base layer improves the adhesion of a cold seal adhesive which is not in touch with such hard resin modified layer. Therefore there was no motivation to combine a hard resin modified base layer with a top layer and a cold seal adhesive in one film with a reasonable expectation of improved cold seal properties. For the above reasons this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

A one month extension of time has been paid. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05581-00141-US from which the undersigned is authorized to draw.

Dated: December 16, 2010

Respectfully submitted,

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